

**DENTAL BOARD OF CALIFORNIA**  
**INITIAL STATEMENT OF REASONS**

Hearing Date: May 15, 2007

Subject Matter of Proposed Regulations: RDHAP Applications

(1) Section(s) Affected: 1079.2

Specific Purpose of each adoption, amendment, or repeal:

The purpose of the proposed change is to clarify the meaning of the term “clinical practice” as it pertains to the requirements that a person must meet to obtain a registered dental hygienist in alternative practice (RDHAP) license.

The amendments would clarify that the term “clinical practice” is not limited to private practice in dental offices. This change is necessary because there has been inconsistency and confusion as to what duties in the practice of registered dental hygiene are considered “clinical” for purposes of accruing hours to qualify for licensure as an RDHAP.

The proposed changes would also eliminate the provision that allows credit for 1,000 hours of hygiene clinical instruction toward the 2,000 hours of practice required for RDHAP licensure because it would no longer be necessary based on the above-described amendment. For example, if the language were not deleted, an RDH who has completed 2,000 hours of dental hygiene practice by virtue of providing 2,000 hours of clinical instruction on patients would be limited to applying only 1,000 of those hours toward RDHAP licensure.

Section 1079.2 – This amendment deletes processing times as the referenced processing times do not apply to RDHAP applications and updates the application form to a current version.

Section 1079.2(1) - This amendment eliminates the provision that allows credit for 1,000 hours of hygiene clinical instruction toward the 2,000 hours of practice required for RDHAP licensure because it would no longer be necessary. The language must be deleted, otherwise an RDH who has completed 2,000 hours of dental hygiene practice by completing 2,000 hours of clinical instruction on patients would be limited to applying only 1,000 of those hours toward RDHAP licensure.

Section 1079.2(c) - This amendment would clarify that registered dental hygienists (RDHs) who provide dental hygiene services in all settings, including public health settings and educational programs, may apply the hours that they practice dental hygiene, as defined in Business and Professions Code Section 1760.5, towards the required 2,000 hours of clinical practice required for licensure as an RDHAP.

Note: - The note is amended to add the Section of statutory law that governs RDHAP requirements.

Factual Basis/Rationale

Business and Professions Code Section 1774 specifies the requirements for licensure as a registered dental hygienist in alternative practice (RDHAP). One of the requirements (subdivision (a)(1)(A)) is that he or she has been “engaged in clinical practice as a dental hygienist for a minimum of 2,000 hours during the immediately preceding 36 months.”

At the time that Section 1774 was enacted (January 1, 1998-AB 560), there was no statutory definition of what constitutes the practice of dental hygiene. Section 1760.5 which defines the practice of dental hygiene was enacted several years later (January 1, 2003 – SB 2022). Due to Legislative oversight Section 1774 was not amended at the same time to include the comprehensive definition of dental hygiene practice.

There has been confusion and inconsistency in the interpretation of what is included in the term “clinical practice.” Consequently, it is necessary to define the term “clinical practice” to take into account the definition of dental hygiene as codified in Section 1760.5 and the many settings in which RDHs practice dental hygiene. For example, public health dental hygienists and educators actively practice dental hygiene, but not in private practice settings.

The proposed change would provide clarity to the regulation both for applicants and for staff of the Committee on Dental Auxiliaries who process such applications.

#### Underlying Data

1. Letter dated October 12, 2004, to COMDA, from the California Dental Hygienists’ Association
2. Minutes of the November 3, 2004, meeting of the Committee on Dental Auxiliaries

#### Business Impact

  X   This regulation will not have a significant adverse economic impact on businesses. This initial determination is based on the following facts or evidence/documents/testimony:

These regulations will affect only a small number of Registered Dental Hygienists who are currently working as educators and in the public health field and may potentially seek future licensure as RDHAP.

       Description of alternatives which would lessen any significant adverse impact on business:

#### Specific Technologies or Equipment

  X   This regulation does not mandate the use of specific technologies or equipment.

       This regulation mandates the use of specific technologies or equipment. Such mandates or prescriptive standards are required for the following reasons:

#### Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

Set forth below are the alternatives which were considered and the reasons each alternative was rejected:

1) Do not seek a regulatory change.

Rejected: Registered Dental Hygienists who are currently working in public health providing access to care or educators teaching dental hygiene students are prohibited from being licensed as RDHAP as they do not work in private practice.

2) Require additional education.

Rejected: Current regulations require completion of a bachelor's degree or equivalent from an accredited college or university. Requiring additional education would be duplicative of existing educational requirements.